UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,153	07/15/2003	Joel K. Young	977.055US1	1208

21186   7590   03/04/2009
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ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
03/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _18 December 2008_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,3-25 and 27-36_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,3-25 and 27-36_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _1/3/05, 1/25/08, 12/18/08_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to amendment filed December 18, 2008.

2.   Claims 1, 3-25 and 27-36 are pending. Claims 1, 16, 25 and 34 are independent claims.

Information Disclosure Statement

3.   The Office acknowledges receipt of the Information Disclosure Statement filed
December 18, 2008. It has been placed in the application file and the information referred to
therein has been considered. It is noted that the IDS lists co-application no. 10/621,227 which
contains claims that conflict with those of the instant claims. Thus, a double patenting rejection
of the instant claims is introduced hereinafter.

Response to Amendments

4.   Per Applicant's request, Claims 1, 16, 25 and 34 have been amended; Claims 2 and 26
have been canceled.

Response to Arguments

5.   Applicant's arguments have been fully considered but they not persuasive. The
following is an examiner's response to Applicant's arguments.

<u>Applicant's arguments</u>

> Claims 25 and 27-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over
> Taylor et al. (US 2002/0138641, "Taylor") in view of Logan et al. (US 2003/0093790, "Logan").
> Claim 25 and 34 were amended to more clearly recite the subject matter. Support for the
> amendments is found generally within the Patent Application (see e.g., pg. 4 lines 13-15, and pg.
> 4 line 30 through pg. 5 line 2).
> Applicant respectfully traverses the rejection because the cited portions of Taylor and
> Logan, either individually or in combination with each other or with any objective reasoning of the
> Office Action, do not disclose, teach, or suggest, the present subject matter of these claims.
> For example, Applicant cannot find in the cited portions of Taylor and Logan, among other things,
> from a first network location, configuring a playlist of video files, the video files being stored in at
> least one second network location connected to the first network location via the network and the
> playlist configured in a third location, wherein the playlist is configured at least in part by logging
> into the third location with a web browser, as presently similarly recited in claims 25 and 34, and
> incorporated into claims 27-33 and 35-36.
> The Office Action reads the proxy server 420 and database 425 of Taylor onto the recited
> first network location, the media content server 405 onto the second network location, and the
> client 300 onto the third network location.

However, Taylor states that the proxy server sends a playlist to the client based on user preferences. Taylor refers to a WWW server in relation to the media content servers, which provide a particular type of media. Thus, Taylor does not teach or suggest configuring by the methods recited in the claims. Logan states that metadata, which describes individual program segments, is assembled at a server. Thus, Logan does not teach or suggest configuring by the methods recited in the claims, and therefore, Taylor and Logan either separately or when combined as proposed, do not teach or suggest some of the subject matter of these claims.

Additionally, Applicant cannot find, wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist, as presently similarly recited in claim 25 and 34.

The Office Action concedes that Taylor does not specifically disclose executing logical actions included in the playlist, but states that Logan teaches that metadata, which describes individual program segments, may be combined to form an ordered playlist. However, Logan refers to metadata as a program guide and that metadata may include a pointer to a segment. Thus, the metadata of Logan does not teach or suggest a track that includes at least lone logical action related to playing the playlist.

Applicant respectfully requests withdrawal of the rejection and allowance of claims 25 and 27-36.

Examiner's response

Applicant's amendment necessitated new grounds of rejection presented herinafter. Since Logan is no longer applied, the argument that Logan does not teach or suggest the above-mentioned feature is thus moot.

However, Taylor does teach the above-mentioned feature. See Office action herein in paragraph 9.

Applicant's arguments

Claims 1, 7-9, 14-18, and 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (US SN 10/927,814, "Ellis") in view of Taylor and further in view of Logan. Claim 25 and 34 were amended to more clearly recite the subject matter.

Applicant respectfully traverses the rejection because the cited portions of Ellis, Taylor and Logan, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest, the present subject matter of these claims.

For example, Applicant cannot find in the cited portions of Ellis, Taylor and Logan, among other things, a web client to ... configure at least one playlist in the media server ... wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist, as presently similarly recited in claims 1 and 16 and incorporated into claims 7-9, 14-15, 17-18, and 23-34.

The Office Action concedes that Taylor does not specifically disclose executing logical actions included in the playlist, and Applicant believes Logan does not teach or suggest a track that includes at least one logical action related to playing the playlist, at least for the reasons set forth above. Ellis fails to disclose the missing elements. Instead, Ellis relates to an interactive television program guide.8 The Office Action reads the recited media server onto the set top box 248 of user television equipment 244.9 Ellis states that the set top box 248 implements a program

guide for control by user input.1° Thus, Ellis does not teach or suggest a media server to execute the playlist to control video content on the video display, but instead relates to a program guide to play a program according to user input.

Therefore, the proposed combination of Ellis, Taylor and Logan does not teach or suggest all of the subject matter of these claims. Applicant respectfully requests reconsideration and allowance of claims 1, 7-9, 14-18, and 23-24.

Examiner's response

Since Logan is no longer applied, the argument that Logan does not teach or ssuggest a track that includes at least one logical action related to playing the playlist is thus moot.

The aforementioned feature is considered to be taught by Taylor in paragraph [0040]. The claimed track (a track is defined as "A distinct element of audiovisual information, such as the picture, a sound track for a specific language, or the like. ..."

www.dvdhelp.us/html/glossary/glossary.html) is interpreted to be a playlist played back using the WMP, wherein the playlist includes identifiers – mediaClip1.ref -- to indicate that the MediaClip1.clp should be retrieved from the media content server.

Regarding the argument that Taylor does not teach or suggest "a web client to … configure at least one playlist in the media server …" the office respectfully disagrees with this assertion because the web client ... to configure a playlist in the media server is considered to be taught in Taylor as the Microsoft® Windows Media Player (WMP). See Office action, paragraph 9.

Applicant's arguments

Claims 10, 19-20, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Taylor, further in view of Logan, and further in view of Rodriguez (US SN 09/947,890). Applicant respectfully traverses the rejection because the cited portions of Ellis, Taylor, Logan and Rodriguez, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest, the present subject matter of these claims.

Claim 10 depends on base claim 1, and claims 19-20, and 22 depend on base claim 16. As set forth above, Ellis, Taylor, and Logan fail to teach or suggest all of the elements of base claims 1 and 16 that are incorporated into the dependent claims. Rodriguez fails to teach or suggest the missing elements. For example, Applicant cannot find in the proposed combination of Ellis, Taylor, Logan and Rodriguez, among other things, a web client to ,.. configure at least one playlist in the media server ... wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist, as presently similarly recited in claims 1 and 16 and

incorporated into claims 10, 19-20, and 22. Applicant respectfully requests withdrawal of the rejection and allowance of claims 10, 19-20, and 22.

Examiner's response

Since Applicant's arguments are essentially the same as those discussed in Claims 1 and 16, the same response is applied.

Applicant's arguments

Claims 3-6 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Taylor, further in view of Logan, and further in view of Pendakur (US SN 10/044,544). Applicant respectfully traverses the rejection because the cited portions of Ellis, Taylor, Logan and Pendakur, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest, the present subject matter of these claims.

Claims 3-6 and 11 ultimately depend on base claim 1. As set forth above, Ellis, Taylor, and Logan fail to teach or suggest all of the elements of base claim 1 that are incorporated into the dependent claims. Pendakur fails to teach or suggest the missing elements. For example, Applicant cannot find in the proposed combination of Ellis, Taylor, Logan and Pendakur, among other things, a web client to ... configure at least one playlist in the media server ... wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist, as presently recited in claim 1 and incorporated into claims 3-6 and 11. Applicant respectfully requests withdrawal of the rejection and allowance of claims 3-6 and 11.

Examiner's response

Since Applicant's arguments are essentially the same as those discussed in Claim 1, the same response is applied.

Applicant's arguments

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Taylor, further in view of Pendakur, and further in view of Brooks (US SN 09/956,688). Applicant respectfully traverses the rejection because the cited portions of Ellis, Taylor and Pendakur, either individually or in combination with each other or with any objective reasoning of the Office Action, do not disclose, teach, or suggest, the present subject matter of these claims.

Claims 12 and 13 ultimately depend on base claim 1. As set forth above, Ellis and Taylor fail to teach or suggest all of the elements of base claim 1 that are incorporated into the dependent claims. Pendakur fails to teach or suggest the missing elements. For example, Applicant cannot find in the proposed combination of Ellis, Taylor and Pendakur, any teaching or suggestion of among other things, a web client to ... configure at least one playlist in the media server ... wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist, as presently recited in claim 1 and incorporated into claims 12 and 13. Applicant respectfully requests withdrawal of the rejection and allowance of claims 12 and 13.

Examiner's response

 Since Applicant's arguments are essentially the same as those discussed in Claim

1, the same response is applied.

Applicant's arguments

 Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view
of Taylor, further in view of Logan, further in view of Rodriguez, and further in view of Brooks.
Applicant respectfully traverses the rejection because the cited portions of Ellis, Taylor, Logan,
Rodriguez and Brooks, either individually or in combination with each other or with any objective
reasoning of the Office Action, do not disclose, teach, or suggest, the present subject matter of
these claims.
 Claim 21 ultimately depends on base claim 16. As set forth above, Ellis, Taylor, Logan
and Rodriguez fail to teach or suggest all of the elements of base claim 16 that are incorporated
into the dependent claims. Brooks fails to teach or suggest the missing elements. For example,
Applicant cannot find in the proposed combination of Ellis, Taylor, Logan, Rodriguez and Brooks,
among other things,
 a web client to ... configure at least one playlist in the media server ... wherein the playlist
includes at least one track, wherein the track includes an identifier to select one or more of the
number of video files and includes at least one logical action related to playing the playlist,
as presently recited in claim 16 and incorporated into claim 21.
 Applicant respectfully requests withdrawal of the rejection and allowance of claim 21.

Examiner's response

 Since Applicant's arguments are essentially the same as those discussed in Claim

16, the same response is applied.

Double Patenting

6.   The non-statutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper time wise extension of the "right to exclude" granted by a patent and to prevent

possible harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29 USPQ 2d 2010

(Fed. Cir. 1993); In re Long, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1993); In re Van Ornum,

686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Voge, 422 F2.d 438, 164 USPQ 619 (CCPA

1970); and, In re Thorington, 418 F2.d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.103(c) 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.37(b).

7.   Claims 1, 16 and 25 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 16 and 23, respectively of copending Application No. 10/621,227.

This is a _provisional_ obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Instant Claim 1	**Copending Claim 1**
A system, comprising:	A system, comprising:
at least one video display;	at least one video display;
at least one <u>video</u> file server, each video file server including a number of video files, each video file including video content to be selectively displayed on the at least one video display;	at least one media server, each media server to communicate with one or more of the at least one video display;
at least one <u>media</u> server, connected to the video file server over a network, each media server to communicate with one or more of the at least one video display;	at least one video file server, each video file server including a number of video files, each video file including video content to be selectively displayed on the at least one video display;
a web client to communicate with each media server through the network to	A web client to communicate with each video file server through a network to

configure at least one playlist in the media server including a list of identifiers of video content in the video file server and logical actions related to playing the playlist, wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist; and	configure at least one playlist in the video file server, each playlist including at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist;
each media server configured to: *execute the playlist to control video content on the video display;* <u>*pull*</u> *video content over the network from two or more video files according to the playlist, and*	each video file server being configured to push video content from a selected video file in the video file server to a selected media server based on the playlist, wherein each video file server includes a virtual display driver, that appears to be a video display to the video file server, to translate video content into application independent video content, thereby not requiring the media server to decode pushed video content; and
convert the pulled video content into a video output signal suitable for display as a function of the logical actions in the playlist.	each media server to translate the pushed video content into a video output signal suitable for display on the video display.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter of the invention recited in copending claim 1 appears to anticipate or be an obvious variant of that recited in instant claim 1.

As can be seen from the table, the only differences between copending claim 1 and instant claim 1 is:

a push action is recited in the copending claim as opposed to a pull action -- it is noted that both claims recite a media server and a video file server and the transferring of media files (e.g., video files) is called a pull (e.g., retrieval) when the media server is the device that initiates the transferring and a push (e.g., sending) when the video file server is the device that initiates the transferring; whether it is a pull or a push, the same principle of transferring is involved;

a virtual display driver located in the video file server recited in copending claim 1 – since instant claim 1 also recites the same video file server (second limitation of instant claim), the virtual display driver recited in the copending claim is deemed inherent to the instant claim.

Similarly, instant claims 16 and 25 are anticipated by or obvious variants of copending claims 16 and 23, respectively.

Claim Rejections – 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States and was published under Article 21(2) of such treaty in the English language.

9.   Claims 25 and 27-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0138641 by Taylor et al. ("Taylor").

It should be noted that hereinafter the use of the clause "see at least" should be interpreted that the cited portions that follow the clause are not the only portions that are considered to be relevant. Should Applicant find that the cited portions are not relevant, other portions of the disclosure of the prior art reference will be provided as additional evidence and/or context to the relevancy of the previously cited portions. Since the evidence is from the

same reference, the introduction of the additional evidence in response to Applicant's arguments should not therefore be considered to be that of new grounds of rejection.

Claim 25

Taylor discloses at least *a method of distributing video information, comprising:*

from a first network location (see at least FIG. 4, devices 420 and 425), *configuring a playlist of video files* (see at least FIG. 5), *the video files being stored in at least one second network location* (see at least FIG. 4, devices 405, 410, 415) *connected to the first network location via the network* (see at least FIG. 4, Internet) *and the playlist configured in a third location, wherein the playlist is configured at least in part by logging into the third location with a web browser* (see at least FIG. 4, device 300; it is noted that when the Microsoft® Windows Media Player is launched, the www.windiwsmedia.com page is displayed in the Windows Media Player interface and wherein a user can configure a playlist by clicking on the button "Library" on the menu bar); *and*

from a third network location (see at least FIG. 4, device 300), *connected to the first and second network locations via the network, executing the playlist* (see at least FIG. 6; [0035]; e.g., Microsoft WINDOWS MEDIA™ player – WMP -- or RealNetworks® media player), *including:*

pulling video content associated with two or more video files from the second network location over the network according to the playlist (see at least FIG. 6, steps 635 and 640);

translating the video content at the third network location into a video output signal suitable for display (see at least FIG. 6, step 645).

executing logical actions included in the playlist, wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist (see at least [0040]; e.g., the claimed track is

interpreted as a playlist played back using the WMP, wherein the playlist includes

identifiers – mediaClip1.ref -- to indicate that the MediaClip1.clp should be

retrieved from the media content server).

Claim 26   (canceled)

Claim 27

Taylor further teaches:

wherein executing logic actions includes the third location receiving external

inputs that are mapped into application specific commands (see at least FIG. 6; [0035];

e.g., Microsoft WINDOWS MEDIA™ player or RealNetworks® media player).

Claim 28

Taylor further teaches:

wherein executing logic actions includes the third location receiving logic actions

from the first location (see at least [0035-0040]).

Claim 29

Taylor further teaches:

wherein the application specific commands include any combination from the set

of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide, Previous

Slide, Mouse Click, Hyperlink and Go To New Playlist (see at least [0035-0040]; e.g.,

WINDOWS MEDIA™ player or RealNetworks® media player, which inherently contain

the claimed features – in WINDOWS XP™, click on Start then hover the mouse over

"All Programs" and "WINDOWS MEDIA™ player" or "RealNetworks®" and select the

player to display the interface which shows the claimed features).

Claim 30

Taylor further teaches:

wherein the first network location includes a web client (see at least FIG. 4, device 420).

Claim 31

Taylor further teaches:

wherein the second network location includes a video file server (see at least FIG. 4, devices 405, 410, 415).

Claim 32

Taylor further teaches:

wherein the third location includes a media server (see at least FIG. 4, device 300 which can be a media server in a home network).

Claim 33

Taylor further teaches *wherein the first network location includes a computer and configuring a playlist includes:*

downloading an existing playlist from the media server at the third location to the computer (see at least FIG. 6, steps 610 and 615; e.g., the proxy server which is a computer with associated software receives a play list from the client computer – cf. [0037])*;*

editing the playlist (see at least FIG. 6; step 615)*; and*

uploading the edited playlist from the computer to the media server (see at least FIG. 6, step 620).

Claim 34

Taylor discloses at least *a system* (see at least FIG. 4), *comprising:*

    at least one video file server, the video file server including a number of video files, each video file including video content to be selectively displayed (see at least FIG. 4, servers 405, 410, 415);

    a plurality of media servers communicatively coupled to the video file server over a network, each media server communicatively coupled to at least one video display (see at least FIG. 4, server 300; although only one is shown, it is well known in the art that there are more than one connected to the Internet or one can serve as a server for a plurality of computers in a home network);

    a web client to communicate with each media server through the network to configure a playlist on each media server at least in part by logging into the media server with a web browser (see at least FIG. 4; device 300 using the Microsoft® Windows Media Player; it is noted that when the Microsoft® Windows Media Player is launched, the www.windiwsmedia.com page is displayed in the Windows Media Player interface and wherein a user can configure a playlist by clicking on the button "Library" on the menu bar), *each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist* (see below).

    wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist (see at least [0040]; e.g., the claimed track is interpreted as a playlist played back using the WMP, wherein the playlist includes identifiers – mediaClip1.ref -- to indicate that the MediaClip1.clp should be retrieved from the media content server).

    each media server (see at least FIG. 4, server 300) *configured to*

        execute the playlist to control video content on the video display (see at least FIG. 6, step 645; e.g., plays media):

        pull video content over the network from two or more video files according to the playlist (see at least FIG. 6, steps 635 and 640); *and*

convert the pulled video content into a video output signal suitable for

display on the video display (see at least FIG. 6, step 645), *as a function of the*

logical actions in the playlist (see the motivational statement above).

Claim 35

Taylor further discloses:

including a plurality of video file servers (see at least FIG. 4, servers 405, 410,

415) *communicatively coupled to the network, wherein a media file server is configured*

to pull video content over the network (see at least FIG. 4, server 420; it is noted that the

claimed "media file server" is interpreted to be different than the claimed "media server")

from more than one video file server according to a video file server identifier included

in the playlist (see at least FIG. 5).

Claim 36

Taylor further discloses *wherein the web client is configured to access the playlist on a*

media server interactively while the playlist is executing (see at least FIG. 4, step 640; e.g.,

dynamic media selection process).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

11.   Claims 1, 7-9, 14-18, and 23-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application

Publication No. 2002/0138641 by Taylor et al. ("Taylor").

Claim 1

Ellis teaches:

> *a system* (Figures 2a and 27)*, comprising:*

> *at least one video display* (Fig. 3 Element 36);

> *at least one video file server* (Fig. 27 Elem. 242, also Paragraphs [0182]

and [0184])*, each video file server including a number of video files* (Video file servers

are well known in the art to store video content within video files)*, each video file*

including video content to be selectively displayed on the at least one video display (Par.

[0130] Lines 1-6 teaches ordering pay-per-view video, which is selectively displayed

video content);

> *at least one media server connected to the video file server, each media server to*

communicate with one or more of the at least one video display (see at least Fig. 3, Elem.

28 and Fig. 27, Elem. 248; also [0080], Lines 6-11; and [0085], Lines 1-11);

> *a web client to communicate with each media server through the network* (Fig. 2a

Elem. 24, and [0094], Lines 1-8).

Ellis does not teach the remaining features of the claim. However, in an analogous art,

Taylor discloses:

> *to configure at least one playlist in the media server using a web browser* (see at

least FIG. 6, step 610; it is noted that when the Microsoft® Windows Media Player is

launched, the www.windiwsmedia.com page is displayed in the Windows Media Player

interface and wherein a user can configure a playlist by clicking on the button "Library"

on the menu bar)*, each playlist including a list of identifiers of video content in the video*

file server (see at least FIG. 5; e.g., file1.clp at location http://www.media.com /and Clip

Information) *and logical actions related to playing the playlist* (see at least [0040], e.g.,

the claimed track is interpreted as a playlist played back using the WMP, wherein the

playlist includes identifiers – mediaClip1.ref -- to indicate that the MediaClip1.clp should

be retrieved from the media content server)*; and*

> *each media server configured to:*

>> *execute the playlist to control video content on the video display* (see at

>> least FIG. 6, step 645; e.g., plays media)*,*

pull video content over the network from two or more video files

according to the playlist, wherein the playlist includes at least one track, wherein

the track includes an identifier to select one or more of the number of the video

files and includes at least one logical action related to playing the playlist (see at

least FIG. 6, step 645; e.g., retrieves media from media content servers; [0040],

e.g., the claimed track is interpreted as a playlist played back using the WMP,

wherein the playlist includes identifiers – mediaClip1.ref -- to indicate that the

MediaClip1.clp should be retrieved from the media content server)*, and*

convert the pulled video content into a video output signal suitable for

display as a function of the logical actions in the playlist (see at least FIG. 6, step

645; e.g., plays media according to the order of file clips in the Metafile).

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to use the play list as taught in Taylor in Ellis because this would allow Ellis

to provide a user with the capability to create a list of video clips or TV programs or movies to

be played back in the order specified by the user, thereby enhancing the user's interactive TV

experience.

Claim 2   (canceled)

Claim 7

Ellis-Taylor further teaches:

the logical actions further include a timed duration of playing the files (Ellis; see

at least [0101], Lines 14-22).

Claim 8

Ellis-Taylor further teaches:

the logical actions further include a time to initiate playing the files (Ellis, see at

least [0101], Lines 14-22; note scheduling programs for play back involves setting an

initiation time).

Claim 9

Ellis-Taylor further teaches:

the logical actions further include a time to terminate playing the files (Ellis; see at least [0101], Lines 14-22; note scheduling programs for play back involves setting a termination time).

Claim 14

Ellis-Taylor further teaches:

the video file further includes audio content (Ellis; see at least [0189], Lines 1-9).

Claim 15

Ellis-Taylor further discloses:

the video content includes any combination from the set of Power Point, J-Peg, Video Clip, or Web formats (Ellis; see at least [0184]).

Claim 16

Ellis teaches:

A media server (Fig. 3 Elem. 28 and Fig. 27 Elem. 248; also [0080] Lines 6-11, and [0085] Lines 1-11), comprising:

a memory to store (Fig. 3 Elem. 31 and [0083]); *and*

a processor executing software to retrieve and playback the video content (see at least FIG. 4, component 42).

Ellis does not teach the remaining features of the claim.

However, in an analogous art, Taylor discloses:

at least one playlist (see at least FIG. 5)*, each playlist including:*

a list of identifiers for video files, each video file including video content to be selectively displayed on at least on a video display, wherein an identifier is included in a track (see at least [0040], e.g., the claimed track is interpreted as a playlist played back using the WMP, wherein the playlist includes identifiers –

mediaClip1.ref -- to indicate that the MediaClip1.clp should be retrieved from the media content server);

a file server location of the video file (see at least FIG. 5; e.g., file1.clp at location http://www.media.com /and Clip Information); and

logical actions related to playing the selected video content (see at least FIG. 5; e.g., the order of the clips in the Metafile; and FIG. 6, loop from block 625 to 645) and

to execute the playlist and retrieve the selected video content from two or more video files over a network according to the playlist and to function as a conversion agent to translate the selected video content into a video signal suitable for display as a function of the logical action in the playlist (see at least FIG. 5; and FIG. 6, loop from block 625 to 645);

wherein the logical actions include direct controls over the presentation of the video content, wherein at least one logical action is included in a track (see at least [0040], e.g., the claimed track is interpreted as a playlist played back using the WMP, wherein the playlist includes identifiers – mediaClip1.ref -- to indicate that the MediaClip1.clp should be retrieved from the media content server).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the play list as taught in Taylor in Ellis because this would allow Ellis to provide a user with the capability to create a list of video clips or TV programs or movies to be played back in the order specified by the user, thereby enhancing the user's interactive TV experience.

Claim 17

Ellis-Taylor further teaches:

wherein the processor executes the at least one playlist based on the logical actions (Taylor; see at least FIG. 5; e.g., the order of the clips in the Metafile) and wherein the logical actions depend in part on inputs external to the media server (Ellis; see at least [0018]).

Claim 18

Ellis-Taylor further teaches:

> *wherein the inputs external to the media server are mapped into application specific commands depending on the format of the video file* (Ellis; see at least [0020] and [0176]; note Ellis teaches remote access to non-program-guide applications, including a web browser which is well known to one of ordinary skill in the art to display video clips. The remote control functions through Elem. 24 would necessarily be mapped according to the application running on the media server.)

Claim 23

Ellis-Taylor further teaches:

> *wherein the at least one playlist is stored on the media server* (Ellis; see at least [0082], Lines 1-3 and [0083], Lines 1-3).

Claim 24

Ellis-Taylor further teaches:

> *wherein the media server includes a memory capable of storing a video file* (Ellis; see at least Fig. 3 Elem. 31; [0083], Lines 1-3 and [0085], Lines 12-17).

12.   Claims 10, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor"), and further in view of U.S. Patent Application Publication No. 2002/0007485 by Rodriguez (U.S. Application 09/947,890).

Claim 10

Ellis-Taylor does not specifically disclose:

> *the logical actions further include a number of times to play the files.* However, in an analogous art, Rodriguez teaches the above feature (see at least Fig. 11 Elements 111, 112, 113, 115; and Par. [0051]).

It would have been obvious to a person having ordinary skill in the art at the time
the invention was made to use the above feature Rodriguez in the combination Ellis-
Taylor because this would allow a user to repeat the playback of a favorite content as
many times as the user would like to, thus enhancing the user's interactive TV
experience.

Claim 19

Ellis-Taylor does not specifically disclose the feature recited in Claim 19.

However, in an analogous art, Rodriguez:

wherein the application specific commands include any combination from the set
of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide,
Previous Slide, Mouse Click, Hyperlink and Go To New Playlist (see at least [0052],
Lines 1-10).

It would have been obvious to a person having ordinary skill in the art at the time the
invention was made to add these commands taught by Rodriguez to the combination Ellis-Taylor
because this would provide a user with all the commands needed to manage the playback of the
video content, thereby enhancing the user's experience with interactive TV.

Claim 20

Ellis-Taylor-Rodriguez further teaches:

wherein the inputs external to the media server include messages received from
the network (Ellis; see at least [0018]).

Claim 22

The combination Ellis-Taylor-Rodriguez further teaches:

wherein the inputs external to the media server include a prompt (Ellis; see at
least [0127], Lines 1-12).

13.   Claims 3-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.
Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in
view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor"), and
further in view of Pendakur (U.S. Application 10/044,544).

Claim 3

Ellis-Taylor does not explicitly teach the claimed feature.

However, in an analogous art, Pendakur teaches:

> *the logical actions execute in the media server as a decision tree* (see at least Fig.
9; [0059] and [0060]).

It would have been obvious to one having ordinary skill in the art at the time of invention
to execute the playlist as a decision tree as taught by Pendakur within the media server taught by
the combination Ellis-Taylor.

The motivation would have been to allow the logic actions to dictate the execution of the
playlist.

Claim 4

Ellis-Taylor-Pendakur further teaches:

> *the media server executes the at least one playlist based on the logical actions*
(Ellis; logical actions such as parental control settings as taught in [0107], lines 6-15, are
understood by those of ordinary skill in the art to block specific content in the playlist;
hence the playlist is executed with respect to logical actions), and wherein the logical
actions are configured at least in part by the web client ([0107]).

Claim 5

Ellis-Taylor-Pendakur further teaches:

> *the logical actions are configured at least in part in real time by a user*
using the web client (Ellis; see at least [0018], note remotely sending a message and
blocking currently displayed video content on the playlist is an explicit example of real

time configuration).

Claim 6

Ellis-Taylor-Pendakur further teaches:

>   *logical actions further include inputs external to the media server* (Ellis; see at
least [0018] and [0107]).

Claim 11

Ellis-Taylor-Pendakur further teaches:

>   *the inputs external to the media server are mapped into application*
specific commands according to the format of the video file (Ellis; see at least [0020] and
[0176], note Ellis teaches remote access to non-program-guide applications, including a
web browser which is well known to one of ordinary skill in the art to display video clips.
The remote control functions through Elem. 24 would necessarily be mapped according
to the application running on the media server).

14.   Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.
Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in
view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor"),
further in view of Pendakur (U.S. Application 10/044,544) and further in view of Brooks (U.S.
Application 09/956,688).

Claim 12

Ellis-Taylor-Pendakur does not teach the feature recited in Claim 12.

However, in an analogous art, Brooks teaches:

>   *the inputs external to the media server include a motion sensor* (see at least
[0036]).

It would have been obvious to one having ordinary skill in the art at the time of invention
to incorporate the motion sensor taught by Brooks within the video system taught by the
combination Ellis-Taylor-Pendakur.

The motivation would have been to enable the media server to determine the presence of any viewers; this would enable the media server to power-down and save energy if no viewers were watching video programming.

Claim 13

The combination Ellis-Taylor-Pendakur does not teach the feature recited in Claim 13. However, in an analogous art, Brooks teaches:

> the inputs external to the media server include a proximity sensor (see at least

[0036], note an infrared sensor can detect both the presence and proximity of a person).

It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the proximity sensor taught by Brooks within the video system taught by the combination Ellis-Taylor-Pendakur.

The motivation would have been to enable the media server to determine if there were any viewers within a given distance; this would enable the media server to power-down and save energy if no viewers were nearby to view video programming.

15.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor"), further in view of U.S. Patent Application Publication No. 2002/0007485 by Rodriguez (U.S. Application 09/947,890), and further in view of Brooks (U.S. Application 09/956,688).

Claim 21

For Claim 21, the combination Ellis-Taylor-Rodriguez does not teach the feature recited in Claim 21.

However, in an analogous art, Brooks teaches:

> the inputs external to the media server include one of a proximity sensor

and a motion sensor (see at least [0036], note an infrared sensor can detect both the presence and proximity of a person).

It would have been obvious to one having ordinary skill in the art at the time of

invention to incorporate the proximity and motion sensors taught by Brooks within the video system taught by the combination Ellis-Taylor-Rodriguez.

The motivation would have been to enable the media server to determine if there were any viewers within a given distance; this would enable the media server to power-down and save energy if no viewers were nearby to view programming.

Conclusion

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/
Primary Examiner, Art Unit 2421

February 27, 2009